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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,259	02/18/2004	Kun-Hong Chen	E0523-00049(AU0309019)	5004
8933	7590	12/14/2006	EXAMINER	
DUANE MORRIS, LLP IP DEPARTMENT 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103-4196			CHEVALIER, ALICIA ANN	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 12/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,259

Applicant(s)

CHEN ET AL.

Examiner

Alicia Chevalier

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 21, 22 and 38-53 is/are pending in the application.
- 4a) Of the above claim(s) 40-53 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 21, 22, 38 and 39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

RESPONSE TO AMENDMENT

The Notice of Non-Compliant amendment mailed June 28, 2006 is hereby withdrawn and a new action follows. See interview summary of July 12, 2006.

1. Claims 6-8, 21, 22 and 38-53 are pending in the application, claims 40-53 are withdrawn from consideration. Claims 1-5, 9-20 and 23-37 have been cancelled.
2. Amendments to the specification and the claims, filed on April 18, 2006, have been entered in the above-identified application.

Election/Restrictions

3. Newly submitted claims 40-53 are directed to the invention of Group III in the restriction in the office action mailed January 25, 2006.

Since applicant has already elected group II, claims 6-8, 21 and 22, and new claims 38 and 39, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 40-53 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

WITHDRAWN REJECTIONS

4. The objections to the drawings, made of record in office action mailed January 25, 2006, pages 3-4, paragraphs #6-8 have been withdrawn due to Applicant's amendment in the response filed April 18, 2006.

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5. The 35 U.S.C. §112, 1st and 2nd paragraph rejections of claims 6-8, 21 and 22, made of record in the office action mailed January 25, 2006, pages 5-7, paragraphs #10-14 have been withdrawn due to Applicant's amendment in the response filed April 18, 2006.

NEW REJECTIONS

6. **The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.**

Drawings

7. The drawings were received on April 18, 2006. These drawings are acceptable.

Claim Objections

8. Claims 38 and 39 objected to because of the following informalities: the preambles are incorrect. Appropriate correction is required. Since both claims are dependent on claim 6 the preamble should be "The sealant region of claim 6".

Claim Rejections - 35 USC § 102

9. Claims 6-8, 21, 22, 38 and 39 rejected under 35 U.S.C. 102(b) as being anticipated by So et al. (U.S. Patent No. 5,587,589).

Regarding Applicant's claim 6, So discloses a sealant region (*figure 2*) comprising a first material layer (*col.3, line 32*) comprising a plurality of parallel openings (*col. 3, line 65 and figure 1*) and a predetermined sealant (*col. 3, lines 48-50*) disposed to form the sealant region

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perpendicular to the openings (*figure 2*). The sealant is disposed over and contacts the first material layer and is disposed within the opening the openings and has substantially flat contact surfaces with the first material layer (*figure 2*).

The limitation “for encapsulating at least one display device comprising one or more layers of material forming a pixel disposed over a first substrate” is deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02. It is further noted that Applicant recites “formed over the pixel”, “to expose a surface of the pixel”, and “to contact the exposed surface of the pixel”, these limitations merely limit the intended use of the sealant region. These limitations do not positively limit the sealant region and are therefore treated the same as the intended use statement that they limit.

The limitations “for attaching a second substrate” and “for sealing the pixel between the first and second substrates” are deemed to be a statement with regard to the intended use and is not further limiting in so far as the structure of the product is concerned. In article claims, a claimed intended use must result in a *structural difference* between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. MPEP § 2111.02.

It is noted that the only positive structural limitations in the sealant region of claim 6 are the first material layer and the sealant layer. The display device, pixel, first substrate and second substrate are all part of the intended use of the sealant region.

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Regarding Applicant's claim 7, So discloses that the openings have a uniform width (*figure 1*).

Regarding Applicant's claims 8, 21 and 22, So discloses that the first material layer is an organic polymer layer (*col. 3, lines 58-59*).

The limitation "the exposed surface of the pixel comprises a passivation layer" only limits the intended use of the sealant region and does not positively limit what comprises the sealant region.

Regarding Applicant's claims 38 and 39, the sealant in the opening is deemed to be balanced along a center axis of the sealant region and the width of the openings are deemed to be narrower than a total width of the sealant region (*figure 2*).

ANSWERS TO APPLICANT'S ARGUMENTS

10. Applicant's arguments in the response filed April 18, 2006 regarding the previous rejections of record have been considered but are moot due to the new grounds of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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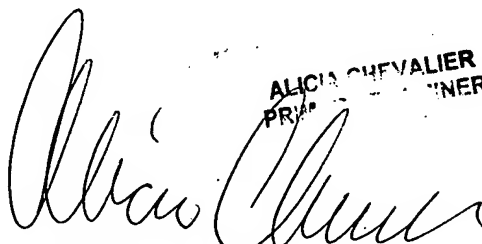
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12/7/06


ALICIA CHEVALIER
PRIMARY EXAMINER

Application/Control Number: 10/782,259

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Continuation Sheet

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant's representative called the examiner of record to inquire about the notice of non-compliant, since it appeared to be incorrect. The examiner of record agreed that it was incorrect and agreed to withdraw it.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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ac
7/12/06




ALICIA CHEVALIER
PRIMARY EXAMINER